

IN THE SUPREME COURT OF OHIO

FirstEnergy Solutions Corp.
341 White Pond Dr., Building B3
Akron, Ohio 44320,

and

Ed Klco
5147 Northridge Rd.
Perry, Ohio 44081,

and

Larry Tscherne
216 VanBuren Avenue
Toledo, Ohio 43605,

and

State ex rel. FirstEnergy Solutions Corp.
341 White Pond Dr., Building B3
Akron, Ohio 44320,

and

State ex rel. Ed Klco
5147 Northridge Rd.
Perry, Ohio 44081,

and

State ex rel. Larry Tscherne
216 VanBuren Avenue
Toledo, Ohio 43605,

Relators,

vs.

Ohioans Against Corporate Bailouts,
by and through its Committee
c/o David R. Langdon,
8913 Cincinnati-Dayton Road
West Chester, Ohio 45069,

and

ORIGINAL ACTION FOR:

CHALLENGE TO REFERENDUM
PETITION UNDER ARTICLE II,
SECTION 1g OF OHIO
CONSTITUTION

and

WRIT OF MANDAMUS

Now come Relators, in their own name for their Petition Challenge, and in the name of the State of Ohio on the relation of Relators for their petition for a Writ of Mandamus, and aver as follows, as verified by the accompanying Affidavits:

NATURE OF ACTION AND JURISDICTION

1. The Ohio Constitution is clear:

“Laws providing for tax levies ... shall not be subject to the referendum.”

Ohio Constitution, Article II, Section 1d
(emphasis added)

Yet, Respondents Ohioans Against Corporate Bailouts and its three committee members (collectively, the “Committee”), in direct contravention of Article II, Section 1d of the Ohio Constitution, seek a statewide referendum asking the electors to invalidate newly enacted H.B. 6 that imposes a tax totaling \$170 million annually upon all of Ohio’s electric utility customers. The Committee is now undertaking a misleading and ultimately futile solicitation of signatures for the Committee’s illegal referendum effort.

Relators therefore bring this Petition Challenge seeking judgment from the Court upholding Ohio’s Constitution and invalidating the Committee’s illegal referendum effort.

2. This is an original action commenced pursuant to this Court’s exclusive jurisdiction under Article II, Section 1g of the Ohio Constitution, which grants to this Court “original, exclusive jurisdiction over all challenges made to petitions and signatures upon such petitions.”

3. The recently enacted Amended Substitute House Bill Number 6 (“H.B. 6”) clearly is a law providing for a tax levy and, thus, is exempt from a referendum pursuant to Article II, Section 1d of the Ohio Constitution. Accordingly, the Respondent Committee’s pursuit of a statewide referendum on H.B. 6 directly contravenes the plain language of the Ohio Constitution.

4. The Respondent Committee’s referendum petition as to H.B. 6 (the “Referendum Petition”) is a nullity and cannot be certified, circulated to Ohio electors for signature, accepted for filing, determined to be sufficient, or placed on the ballot, because H.B. 6 is expressly exempted from a referendum by the Ohio Constitution. Relators thus seek judgment from this Court invalidating the Respondent Committee’s Referendum Petition and determining that H.B. 6 is not subject to referendum.

5. Relators also seek a Writ of Mandamus under this Court’s original jurisdiction under Article IV, Section 2(B) of Ohio Constitution, directing Respondent Secretary of State to perform his clear legal duty under R.C. 3501.39(A)(4) to reject the Respondent Committee’s Referendum Petition on the ground that it contravenes Article II, Section 1d of the Ohio Constitution.

PARTIES

6. Relator FirstEnergy Solutions Corp. (“FES”) is an Ohio corporation with its principal place of business in Akron, Summit County, Ohio. FES is the owner and operator of the Davis-Besse Nuclear Power Station that is located east of Toledo in Ottawa County, Ohio, and the Perry Nuclear Power Plant that is located on Lake Erie northeast of Cleveland in North Perry, Lake County, Ohio (collectively, the “Nuclear Power Plants”). Each of the Nuclear Power Plants is an electric generating facility fueled by nuclear power.

7. Relator Ed Klco is a qualified elector of the State of Ohio residing in Lake County, Ohio and brings this action solely in his personal capacity. Mr. Klco firmly believes that the provisions of the Ohio Constitution excepting laws such as H.B. 6 from referendum should be followed in order to uphold the plain terms of the Ohio Constitution.

8. Relator Larry Tscherne is a qualified elector of the State of Ohio residing in Lucas County, Ohio and brings this action solely in his personal capacity. Mr. Tscherne firmly

believes that the provisions of the Ohio Constitution excepting laws such as H.B. 6 from referendum should be followed in order to uphold the plain terms of the Ohio Constitution.

9. Respondent Ohioans Against Corporate Bailouts is the organization purporting to pursue the Referendum Petition on H.B. 6 and is responsible for all matters relating to the Referendum Petition.

10. Respondents David J. Eckert, Trevor J. Vessels, and Brandon Sean Lynaugh are the individual members of Respondent Ohioans Against Corporate Bailouts (the “Committee”) who are directing the referendum effort of the Committee.

11. Respondent Frank LaRose, Ohio Secretary of State, is the chief elections official of the State of Ohio and is named in his official capacity as a Respondent in accordance with S.Ct.Prac.R. 14.01(A)(2).

SUPPORTING ALLEGATIONS

The Enactment Of H.B. 6

12. On July 23, 2019, the 133rd General Assembly enacted H.B. 6.

13. Later that same afternoon, Governor Michael DeWine signed H.B. 6.

14. After the Governor’s approval, the duly signed H.B. 6 was filed in the office of the Ohio Secretary of State on July 23, 2019. A certified copy of H.B. 6, as enacted by the General Assembly, signed by the Governor, and filed with Secretary of State, is attached as Exhibit A to the accompanying Affidavit of Zachary Maciaszek, and is incorporated by reference as if fully set forth herein.

15. H.B. 6 levies a tax (called a monthly “charge”) on all Ohio retail electric customers in the aggregate amount of \$170 million annually for a specified period of time.

16. H.B. 6 requires 88.25% of the collected taxes to be deposited into a newly created nuclear generation fund (the “Nuclear Generation Tax Funds”) and the remaining 11.75% of the

collected taxes to be deposited into the newly created renewable generation fund. Under H.B. 6, newly enacted Sec. 3706.49 provides that each of these funds “shall be in the custody of the treasurer of state,” who “shall distribute the moneys in the funds in accordance with directions provided by the Ohio air quality development authority.”

17. Under H.B. 6, newly enacted R.C. 3706.55 mandates the Ohio air quality development authority to direct the State Treasurer to remit the Nuclear Generation Tax Funds to be distributed to owners and operators of “qualifying nuclear resources” beginning in April 2021, based on credits earned from producing approved megawatt hours of electricity.

18. FES is an owner and operator of qualifying nuclear resources under H.B. 6 and is eligible to receive distributions of the Nuclear Generation Tax Funds from the State Treasurer, as set forth in H.B. 6.

The Ohio Constitution Precludes A Referendum On Laws Such As H.B. 6 That “Provide For A Tax Levy”

19. The Ohio Constitution expressly states that tax laws such as H.B. 6 are not subject to referendum. Article II, Section 1d of the Ohio Constitution provides: “Laws providing for tax levies ... shall go into immediate effect.... The laws mentioned in this section shall not be subject to the referendum.”

20. Under the plain language of Article II, Section 1d of the Ohio Constitution, H.B. 6 is a law that provides for a tax levy.

21. The portion of H.B. 6 that provides for a tax levy of \$170 million annually on all retail electric customers in Ohio and requires those funds to be deposited into funds in the custody of the State Treasurer states:

Sec. 3706.46. (A)(1) Beginning for all bills rendered on or after January 1, 2021, ... such electric distribution utility **shall collect from all of its retail electric customers in this state**, each month, a charge or charges, which, in the aggregate, are sufficient to produce the following revenue requirements:

(a) **One hundred fifty million dollars annually** for total disbursements required under section 3706.55 ... from the nuclear generation fund;

(b) **Twenty million dollars annually** for total disbursements required under section 3706.55 ... from the renewable generation fund....

Sec. 3706.53. Subject to section 3706.61 of the Revised Code:

(A) Eighty-eight and twenty-five hundredths per cent of the charges collected under section 3706.46 of the Revised Code **shall be deposited** to the credit of the nuclear generation fund....

(B) Eleven and seventy-five hundredths per cent of the charges collected under section 3706.46 of the Revised Code **shall be deposited** to the credit of the renewable generation fund....

[R.C. 3706.46 (emphasis added)]

22. In determining whether these statutory charges are actually taxes, both this Court and the United States Supreme Court hold that the focus must be on substance over form. *Drees Co. v. Hamilton Twp.*, 132 Ohio St.3d 186, ¶ 15 (2012) (“[i]n order to determine whether certain assessments are taxes, we must analyze ‘the substance of the assessments and not merely their form’”); *National Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 574 (2012) (holding that the penalty imposed on individuals under the Affordable Care Act for not having health insurance was a tax, irrespective of the fact that Congress labeled it a “penalty,” not a “tax”).

23. The substance of H.B. 6 is that it provides for a tax levy because its “charges” are mandated by the legislature, upon a broad class of parties, and for a public purpose.

24. H.B. 6 has every one of the characteristics of a tax levy:

(a) H.B. 6 states the *public purpose* for the new tax: “to facilitate and continue the development, production, and use of electricity from nuclear, coal, and renewable energy sources in this state.” [H.B. 6, Introductory Paragraph]

- (b) H.B. 6 *designates the persons from whom the tax is “collect[ed]”*: “all ... retail electric customers in this state.” [R.C. 3706.46(A)(1)]
- (c) H.B. 6 *fixes the amount of the tax*: “One hundred fifty million dollars annually” plus “Twenty million dollars annually.” [R.C. 3706.46(A)(1)]
- (d) H.B. 6 states *when the tax is payable*: monthly “[b]eginning ... January 1, 2021.”
- (e) H.B. 6 mandates the *collected moneys* to be *deposited “in the custody of the treasurer of state.”* [R.C. 3706.49 and 3706.53]

25. Accordingly, H.B. 6 is a “law providing for a tax levy” that is expressly excepted from the referendum by Article II, Section 1d of the Ohio Constitution.

26. Even those opposing the enactment of H.B. 6 acknowledge that it imposes a “tax” and attacked the enactment of H.B. 6 for that reason. For example:

- (a) Edward W. Hill, Ph.D., OSU Economics Professor, in his written testimony opposing H.B. 6, stated: “[The] charges [imposed by H.B. 6] are *de facto taxes* because the power of the state is used to extract payments from electricity users.... The Legislature is being asked to *tax* electricity users” (emphasis added).
- (b) “House Bill 6 seeks to *tax* Ohioans 80 cents a month through their utility bill....” [*Cincinnati Enquirer*, “Who paid all that money to buy all those nuclear bailout ads raining on Ohio?,” dated July 2, 2019 (emphasis added)]
- (c) “HB6 is a new *energy tax*....” [Sierra Club Press Release, dated May 23, 2019 (emphasis added)]

- (d) “The bill announced today is nothing more than another *bailout tax* for failing nuclear plants paid for on the backs of hardworking Ohioans.” [Ohio Environmental Council Action Fund quote, *The Columbus Dispatch*, “Ohio Nuclear Plant Bailout Plan Encourages Other Zero-Carbon Energy,” dated April 12, 2019 (emphasis added)]
- (e) “HB 6 creates a *new tax* paid by all Ohio utility customers....” [AARP website (emphasis added)]
- (f) “HB 6 would be a *bailout tax* on every Ohioan....” [Ohio Citizen Action website (emphasis added)]
- (g) HB 6 “*taxes ratepayers.*” [Rep. Ryan Smith Tweet, April 12, 2019 (emphasis added)]
- (h) “FirstEnergy Solutions is looking at you to pay off its creditors by creating a *special tax* on your utility bill.” [Ohioans Against Nuke Bailouts, YouTube video, dated April 29, 2019 (emphasis added)]
- (i) “Ohio Senate and House concurred on HB 6 in a 51–38 vote today, which means a *new energy tax* on Ohio electric customers” [Windpower Engineering & Development, dated July 23, 2019 (emphasis added)]
- (j) “[S]ome groups oppose House Bill 6 because they believe it will saddle all Ohioans with a new ... annual \$200 Million nuclear *bailout tax.*” [American Petroleum Institute’s Public Poll, dated, June 18, 2019 (emphasis added)]

27. An authentic copy of each of these public statements is attached as Exhibit B to the Affidavit of Mr. Maciaszek filed in support of this Petition Challenge.

The Respondent Committee Is Improperly Pursuing A Referendum On H.B. 6

28. Despite the fact that the Ohio Constitution exempts H.B. 6 from a referendum, the Respondent Committee is improperly pursuing a statewide referendum on H.B. 6.

29. On July 26, 2019, the Respondent Committee caused various Statements of Providing Compensation for Circulating a Statewide Issue Petition (called Form No. 15s) to be filed with Respondent Secretary of State, stating that the filers are receiving compensation to supervise, manage or organize an effort to obtain signatures for a “statewide referendum” on H.B. 6 (the “Referendum Petition”) to be submitted to electors. An authentic copy of certain of these Form 15s is attached as Exhibit C to the accompanying Affidavit of Mr. Maciaszek.

30. On July 29, 2019, the Respondent Committee filed a petition with the Respondent Secretary of State and the Ohio Attorney General, seeking, pursuant to R.C. 3519.01(B), certification by the Ohio Attorney General that Respondent Committee’s proposed summary of H.B. 6 to be used on the Committee’s Referendum Petition is a fair and truthful statement of H.B. 6.

31. On August 12, 2019, the Ohio Attorney General determined that the Respondent Committee’s proposed summary of H.B. 6 in the petition filed on July 29, 2019 was not a fair and truthful statement of H.B. 6.

32. On August 16, 2019, the Respondent Committee filed another petition with the Respondent Secretary of State and the Ohio Attorney General (the “Petition”), seeking, pursuant to R.C. 3519.01(B), verification of the validity of the signatures on the Petition and certification of the text of H.B. 6 by the Respondent Secretary of State and also certification by the Ohio Attorney General that Respondent Committee’s proposed summary of H.B. 6 to be used on the Committee’s Referendum Petition is a fair and truthful statement of H.B. 6. An authentic copy

of pertinent excerpts of the Respondent Committee's Petition filed August 16, 2019 (excluding the purported voter signatures) is attached as Exhibit D to the accompanying Affidavit.

33. On August 29, 2019, the Ohio Attorney General certified that the proposed summary of H.B. 6 set forth in the Petition was a fair and truthful statement of H.B. 6. An authentic copy of each of the Attorney General's certification letters, dated August 29, 2019, is attached as Exhibit E to the accompanying Affidavit of Mr. Maciaszek.

34. On August 30, 2019, Respondent Secretary of State verified the validity of the signatures on the Petition and certified that an accurate copy of the text of H.B. 6 was attached to the Petition. An authentic copy of the Secretary of State's certification letter, dated August 30, 2019, is attached as Exhibit F to the accompanying Affidavit of Mr. Maciaszek.

35. These certifications by the Attorney General and Secretary of State, in the absence of this Court's intervention, clear the way for the Respondent Committee to circulate its illegal Referendum Petition to Ohio voters in an effort to collect the requisite signatures for a referendum on H.B. 6.

36. Without issuance of the relief requested in this Petition Challenge and the requested Writ of Mandamus, the Respondent Committee, contrary to the clear mandate of Article II, Section 1d of the Ohio Constitution, is circulating the Referendum Petition to Ohio residents for signatures and is seeking to refer H.B. 6 to Ohio voters for their approval or rejection.

COUNT I
PETITION CHALLENGE

37. Relators restate all of the allegations set forth in paragraphs 1 through 36 above as if fully restated herein.

38. Article II, Section 1d of the Ohio Constitution states that “[l]aws providing for tax levies ... shall not be subject to the referendum.”

39. H.B. 6 is a law providing for a tax levy and, thus, is exempt from a referendum under the Ohio Constitution.

40. Respondent Committee’s Referendum Petition on H.B. 6 is invalid and a nullity because any effort to pursue a referendum on H.B. 6 is in direct contravention of Article II, Section 1d of the Ohio Constitution.

41. Because H.B. 6 is a “law providing for a tax levy” that is expressly excepted from a referendum under the Ohio Constitution, the Respondent Committee’s Referendum Petition, as a matter of law, cannot be certified, circulated to electors for signature, accepted for filing, determined to be sufficient, or placed on the ballot.

42. It is inherently misleading and confusing to Ohio voters for the Respondent Committee and its circulators and other agents to pursue, circulate, and file a Referendum Petition that states, implies or otherwise suggests that H.B. 6 is subject to a referendum when that is not true.

43. Pursuant to this Court’s exclusive, original jurisdiction under Article II, Section 1g of the Ohio Constitution over “all challenges made to petitions,” the Referendum Petition on H.B. 6 should be invalidated and declared to be in violation of the Ohio Constitution and, thus, null and void.

44. In the absence of the relief requested herein, Relators will suffer injury for which they have no adequate remedy in the ordinary course of law.

COUNT II
PETITION FOR WRIT OF MANDAMUS

45. Relators restate all of the allegations set forth in paragraphs 1 through 44 above as if fully restated herein.

46. Under R.C. 3501.39(A)(4), Respondent Secretary has a clear legal duty to reject a referendum petition that violates any requirement established by law, including Article II, Section 1d of the Ohio Constitution.

47. Under R.C. 3501.05(K), Respondent Secretary of State has a separate statutory duty to determine the sufficiency (or insufficiency) of all referendum petitions on state questions and issues.

48. All of Ohio's statutes governing statewide referendum petitions presuppose that the law sought to be referred is actually subject to a referendum under the Ohio Constitution.

49. Because H.B. 6 is exempt from a referendum, Relators have a clear legal right under Article II, Section 1d of the Ohio Constitution to have the Referendum Petition on H.B. 6 and the related Petition rejected and invalidated.

50. Because H.B. 6 is a "law providing for a tax levy" that is expressly exempt from a referendum pursuant to Article II, Section 1d of the Ohio Constitution, the Respondent Secretary of State has a clear legal duty under both the Ohio Constitution and R.C. 3501.39(A)(4) to reject the Referendum Petition on H.B. 6.

51. In *State ex rel. Burech v. Belmont County Bd. of Elections*, 19 Ohio St.3d 154, 156 (1985), this Court issued a writ of mandamus directing the members of the Belmont County Board of Elections to reject a referendum petition that failed to strictly comply with election law, because the "respondents are under a clear legal duty to reject petitions which are not in compliance with law and [to] prohibit their placement on the ballot."

52. A writ of mandamus should issue to compel the Respondent Secretary to perform his clear legal duty to reject the Referendum Petition on H.B. 6 before the misleading Referendum Petition is circulated to Ohio voters and before substantial public funds are needlessly expended to determine whether the Referendum Petition and its signatures are otherwise sufficient.

53. In the absence of an order providing all of the relief requested herein in connection with Relators' Petition Challenge, Relators will suffer injury for which they have no adequate remedy in the ordinary course of law, and, thus, adequate relief cannot be obtained except through the issuance of a Writ of Mandamus.

PRAYER FOR RELIEF

Wherefore, Relators FirstEnergy Solutions Corp., Ed Klco and Larry Tscherne request judgment be entered in their favor and granting the following relief:

A. Establishing a case schedule, including briefing deadlines, a date for an evidentiary hearing, if necessary, and oral argument;

B. Invalidating the Referendum Petition on H.B. 6, declaring same to be null and void, and directing that the Referendum Petition not be circulated for signatures, filed, transmitted to the county boards of elections, or placed on the ballot;

C. Issuing a peremptory writ of mandamus compelling Respondent Secretary of State to perform his clear legal duty to reject the Referendum Petition on H.B. 6 and deem the Referendum Petition to be legally insufficient and null and void.

D. Alternatively, issuing an alternative writ of mandamus compelling Respondent Secretary of State to reject the Referendum Petition or show cause why he should not be compelled to do so, and establishing any necessary case schedule;

- E. Assess the costs of this action against Respondents;
- F. Award Relators their attorneys' fees and litigation expenses; and
- G. Award Relators such other relief, at law or in equity, to which they are entitled.

Respectfully submitted,

/s/ John W. Zeiger

John W. Zeiger (0010707), Counsel of Record

Stuart G. Parsell (0063510)

Zachary C. Maciaszek (0097751)

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Counsel for Relators FirstEnergy Solutions Corp.,
Ed Klco, and Larry Tscherne

AFFIDAVIT

STATE OF OHIO :
 :
 : ss
COUNTY OF SUMMIT :

Jason Petrik, being first duly sworn according to law, deposes and states as follows:

1. I am the controller of FirstEnergy Solutions Corp., one of the relators in this action.

I am over eighteen years of age.

2. I have read the foregoing Petition Challenge and Verified Complaint for Writ of Mandamus (collectively, the "Complaint"). The statements contained in the Complaint, which are incorporated into and made a part of this Affidavit as if completely rewritten herein, are true based on my personal knowledge, and I am competent to testify to same.

FURTHER AFFIANT SAYETH NAUGHT.

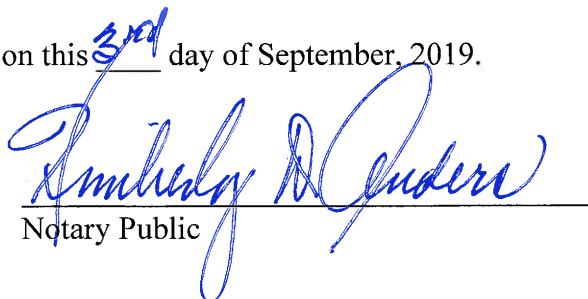


Jason Petrik

Sworn to and subscribed before me on this 3rd day of September, 2019.



KIMBERLY D. ANDERS
Notary Public, State of Ohio
My Commission Expires
December 27, 2022



Notary Public

AFFIDAVIT

STATE OF OHIO :
 : ss
COUNTY OF FRANKLIN :

Zachary C. Maciaszek, being first duly sworn according to law, deposes and states:

1. I am an associate attorney at the law firm of Zeiger, Tigges & Little LLP (the “Firm”), 41 S. High St., Suite 3500, Columbus, Ohio 43215, which is legal counsel for the Relators in this original action. I am one of the Firm’s custodians of the records attached to this Affidavit and was personally involved in obtaining these documents either from the office of the Ohio Secretary of State through public records requests or through publicly available sources identified herein.

2. The attached Exhibit A is a certified copy of Amended Substitute House Bill Number 6 (“H.B. 6”), enacted by the 133rd Ohio General Assembly, signed by Governor DeWine, and as filed in the office of the Ohio Secretary of State, on July 23, 2019.

3. The attached Exhibit B contains a true and authentic copy of the following:

(a) Exhibit B-1 is a true and accurate copy of excerpts of written testimony dated June 25, 2019, of Edward W. Hill, Ph.D., OSU Professor of Economic Development, submitted to the Ohio Senate Energy and Public Utilities Committee. This testimony is available at <http://www.ohiosenate.gov/committees/energy-and-public-utilities/document-archive>.

(b) Exhibit B-2 is a true and accurate copy of an article dated July 2, 2019 in The Cincinnati Enquirer, entitled “Who paid all that money to buy all those nuclear bailout ads raining on Ohio?”

(c) Exhibit B-3 is a true and accurate copy of The Sierra Club’s publicly available Press Release, dated May 23, 2019, and found at <https://www.sierraclub.org/press->

[releases/2019/07/ohio-nuclear-bailout-bill-expands-now-also-bail-out-eisenhower-era-uneconomic.](#)

(d) Exhibit B-4 is a true and accurate copy of an article dated April 12, 2019 in The Columbus Dispatch, entitled “Ohio Nuclear Plant Bailout Plan Encourages Other Zero-Carbon Energy.”

(e) Exhibit B-5 is a true and accurate copy of AARP’s website page printed on August 1, 2019 and found at [https://action.aarp.org/site/Advocacy.](https://action.aarp.org/site/Advocacy)

(f) Exhibit B-6 is a true and accurate copy of Ohio Citizen Action’s website page printed on July 29, 2019 and found at [https://www.ohiocitizen.org/current-campaigns/firstenergy-nuclear-bailout/.](https://www.ohiocitizen.org/current-campaigns/firstenergy-nuclear-bailout/)

(g) Exhibit B-7 is a true and accurate copy of Ohio Representative Ryan Smith’s Tweet, dated April 12, 2019.

(h) Exhibit B-8 is a true and accurate transcription of a quote from Ohioans Against Nuke Bailouts’ YouTube video, dated April 29, 2019, and found at [https://www.youtube.com/watch?v=5cptxfSPWYM.](https://www.youtube.com/watch?v=5cptxfSPWYM)

(i) Exhibit B-9 is a true and accurate copy of a website page of Windpower Engineering & Development, dated July 23, 2019, and found at [https://www.windpowerengineering.com/business-news-projects/its-a-step-backward-for-clean-energy-in-ohio/.](https://www.windpowerengineering.com/business-news-projects/its-a-step-backward-for-clean-energy-in-ohio/)

(j) Exhibit B-10 is a true and accurate copy of excerpts of a public poll released by American Petroleum Institute (“API”) on June 18, 2019, and obtained from API’s website at [https://www.api.org/news-policy-and-issues/news/2019/06/18/new-poll-shows-majority-of-ohio-voters-oppose-hb-6.](https://www.api.org/news-policy-and-issues/news/2019/06/18/new-poll-shows-majority-of-ohio-voters-oppose-hb-6)

4. The attached Exhibit C is a true and authentic copy of certain completed Statements of Providing Compensation for Circulating a Statewide Issue Petition (called Form No. 15s), filed July 26, 2019 with the office of the Ohio Secretary of State, stating that the filers are either receiving or providing compensation to supervise, manage or organize an effort to obtain signatures for a “statewide referendum” on H.B. 6 (the “Referendum Petition”). These Form No. 15s were obtained from the office of the Ohio Secretary of State pursuant to a public records request.

5. The attached Exhibit D is a true and authentic copy of relevant excerpts of a petition (the “Petition”) filed by the committee known as Ohioans Against Corporate Bailouts (the “Committee”) with the Ohio Secretary of State on August 16, 2019, which were obtained from the office of the Ohio Secretary of State pursuant to a public records request. The attached Exhibit D does not include the purported voter signatures that were filed with the Petition.

6. The attached Exhibit E is a true and authentic copy of two letters by Ohio Attorney General Dave Yost, each dated August 29, 2019, obtained from the Attorney General’s website on August 29, 2019.

7. The attached Exhibit F is a true and authentic copy of a letter from Ohio Secretary of State Frank LaRose, dated August 30, 2019, to Ohioans Against Corporate Bailouts.

FURTHER AFFIANT SAYETH NAUGHT.

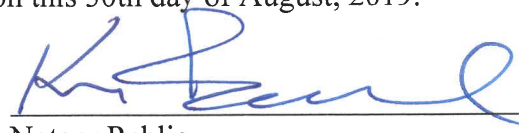


Zachary C. Maciaszek

Sworn to and subscribed before me on this 30th day of August, 2019.



Kris Banvard, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.



Notary Public

CERTIFICATE OF SERVICE

I hereby certify that, in accordance with S.Ct.Prac.R. 14.01(F), a copy of the foregoing Petition Challenge and Verified Complaint for Writ of Mandamus, is being served either via personal service or via email (as designated below) on this 4th day of September, 2019, upon each of the following Respondents:

Via Electronic Mail:

Ohioans Against Corporate Bailouts
c/o David R. Langdon, Statutory Agent
8913 Cincinnati-Dayton Road
West Chester, Ohio 45069
dlangdon@langdonlaw.com

Brandon Sean Lynaugh
1299 Avondale Ave.
Columbus, Ohio 43212
lynaugh@battlegroundstrategy.com

Via Personal Service:

David J. Eckert
1639 Glenn Ave.
Columbus, Ohio 43212

Trevor J. Vessels
63 South Riverview Street
Dublin, Ohio 43017

Hon. Frank LaRose
Ohio Secretary of State
180 East Broad Street, 16th Floor
Columbus, Ohio 43215

/s/ Stuart G. Parsell

Stuart G. Parsell (0063510)